## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	CASE NO. 8:07CR397
Plaintiff,	)	
	)	MEMORANDUM
vs.	)	AND ORDER
	)	
DANA ADVIENTO,	)	
Defendant.	)	

This matter is before the Court on the Defendant's Motions to Vacate and Correct Sentence under 28 U.S.C. § 2255, ECF Nos. 81 and 84.

The Court notes that the Defendant filed his first § 2255 Motion, ECF No. 66, on May 26, 2009, and that motion was denied by the Court on June 16, 2009, at ECF No. 68.

When a second or successive § 2255 motion is filed:

A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain—

- (1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or
- (2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.

28 U.S.C. § 2255.

Without the required certification from the Eighth Circuit, this Court cannot consider the merits of the Defendant's second or successive § 2255 motions and the pending motions will be denied.

IT IS ORDERED:

Defendant's Motions to Vacate and Correct Sentence under 28 U.S.C. §
2255, ECF Nos. 81 and 84, are denied; and

2. A separate Judgment will be issued.

DATED this 23<sup>rd</sup> day of June, 2017.

BY THE COURT:

s/Laurie Smith Camp Chief United States District Judge